

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36331

STATE OF IDAHO,	)	2010 Unpublished Opinion No. 389
	)	
Plaintiff-Respondent,	)	Filed: March 17, 2010
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
CAMEAIL TOLAIN GREEN,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Order relinquishing jurisdiction and commitment, for domestic violence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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Before GUTIERREZ, Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Cameail Tolain Green pled guilty to domestic violence. Idaho Code §§ 18-903, 18-918(2). The district court sentenced Green to a unified term of ten years, with a minimum period of confinement of five years and retained jurisdiction for 180 days. Following the period of retained jurisdiction, the district court relinquished jurisdiction and ordered execution of Green's original sentence without modification. Green appeals asserting that the district court abused its discretion in failing to *sua sponte* reduce his sentence upon relinquishing jurisdiction.

The trial court, upon relinquishing jurisdiction, is authorized under Idaho Criminal Rule 35 to reduce the sentence. Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the

sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

Applying the foregoing standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in ordering execution of Green's original sentence without modification. Therefore, the order relinquishing jurisdiction and directing execution of Green's sentence, without modification, is affirmed.